

CIVIL ACTION NO. 12-CV-2930

Plaintiffs,

INSYS THERAPEUTICS, INC.,
et al.

Defendants.

Plaintiff/Relator Ray Furchak, by and through his counsel, files this Unopposed Motion to Voluntarily Dismiss pursuant to 31 U.S.C. § 3730(b)(1) and the Federal Rules of Civil Procedure 41(a)(2).

On March 26, 2013, the United States notified the plaintiff that it declined to intervene in this matter. On March 18, 2013, the Qui Tam States notified the plaintiff that the states collectively, except for the State of Indiana, had declined to intervene in this matter. The United States and the Qui Tam States, except for the State of Indiana, have consented to the voluntary

dismissal WITHOUT PREJUDICE of this suit by Relator Furchak. *See* Governments' Statements of Consent attached hereto.

The State of Indiana does not oppose the voluntary dismissal of this case; however due to its False Claim and Whistleblower Protection Act (Act) the state cannot formally consent to the dismissal of this matter. In accordance with IC 5-11-5.5.4(b) of the Act, the State of Indiana's Attorney General must file its own written motion to dismiss the case with an explanation as to why the dismissal is appropriate.

The State of Washington's consent to any dismissal without prejudice of this matter is given on the grounds that the proposed dismissal is warranted by the facts and circumstances of this action as they are presently known to the State of Washington.

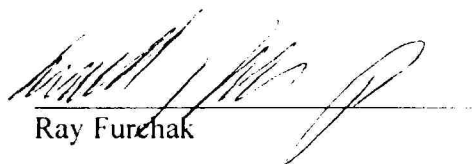
The Defendants have not been served with process and have not served an answer or a motion for summary judgment. Thus, the Defendants will not be prejudiced by the dismissal. The Plaintiff/Relator consents to the dismissal, by his signature below.

Plaintiff/Relator Furchak respectfully requests this Court to grant his unopposed motion to voluntarily dismiss this action without prejudice.

Respectfully submitted.

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**Attorneys in Charge for Relator
Ray Furchak**


Ray Furchak

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was forwarded via the United States Mail, certified, return receipt requested, by facsimile, or by messenger to the United States Attorney's Office in the Southern District of Texas, Houston Division, the Department of Justice in Washington, D.C. and the Attorneys General of the Qui Tam States and the District of Columbia, on this the 23 day of May 2013.



Noelle C. Letteri